

**REMARKS**

The foregoing amendment amends the specification, drawings, and Claims 1-3 and 5-9 to clarify the invention, cancels Claims 4 and 10-12, and adds new Claims 13-16. Claims 1-3, 5-9 and 13-16 are pending in the application. For the reasons set forth below, Applicants believe that the rejections should be withdrawn and that this application is in condition for allowance.

**OBJECTION TO THE DRAWINGS**

The Examiner objected to the drawings for including reference characters not mentioned in the description. Specifically, the Examiner noted that Figure 11 illustrated reference character 16 and Figure 20 illustrated reference character 32, but reference characters 16 and 32 were not described in the detailed description. The specification has been amended to properly describe reference characters 16 and 32. Paragraph [0114] has been amended to identify display of stereoscopic map 16 and paragraph [0146] has been amended to identify the reddening process 32.

**REJECTION OF CLAIMS 1-7, 9 AND 12 UNDER 35 U.S.C. 101**

The Examiner rejected Claims 1-7, 9 and 12 under 35 U.S.C. 101 for the claimed invention being directed to a non-statutory subject matter. Specifically, the Examiner contended that Claims 1-7, 9 and 12 were directed towards nonfunctional descriptive material.

Claims 1 and 7 have been amended to clarify the claimed visualization processing system. Claim 1 requires a computer, a set of data structures and a set of computer programs employed as computer components of the computer. Claim 7 requires a computer, a set of data structures and a set of means employed as computer components of the computer.

Claim 9 has been amended to clarify the claimed computer readable medium, wherein the computer readable medium includes a set of data structures and a set of programs employable as computer components for visualization processing.

As noted above Claim 12 has been cancelled.

Claims 1, 7 and 9 as amended are directed towards statutory subject matter.

Claims 2-6 depend from Claim 1. Accordingly, the rejection of Claims 1-7 and 9 under 35 U.S.C. 101 should be withdrawn.

**REJECTION OF CLAIMS 5 AND 10-12 UNDER 35 U.S.C. 112, SECOND PARAGRAPH**

The Examiner rejected Claims 5 and 10-12 under 35 U.S.C. 112, second paragraph for being indefinite. Specifically, the Examiner alleged that the term “reddish” as recited in Claim 5 renders the claim indefinite.

Claim 5 has been amended to recite “red” colors and term “reddish” has been deleted. Accordingly, the rejection of Claim 5 under 35 U.S.C. 112, second paragraph should be withdrawn.

As noted above Claims 10-12 have been cancelled. Accordingly, the rejection of Claims 10-12 under 35 U.S.C. 112, second paragraph is now moot.

**REJECTION OF CLAIMS 1, 4 AND 7-9 UNDER 35 U.S.C. 102(b)**

The Examiner rejected Claims 1, 4 and 7-9 under 35 U.S.C. 102(b) as being anticipated by “Color image analysis in a vector field,” by Shinohara, *et al.* (“Shinohara”). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131. For the reasons set forth below, Applicant respectfully traverses the rejection.

Amended Claim 1 incorporates the subject matter of cancelled Claim 4 and clarifies that the visualization processing system includes a set of computer programs which comprise a second subset for determining an “elevation degree as an aboveground opening,” a third subset for determining a “depression degree as an underground opening,” and a sixth subset for determining an inclination distribution and providing a tone indication for a brightness of a color-toned indication of the inclination distribution.

According to one embodiment, as illustrated in Figure 14, the aboveground opening corresponds to the elevation degree and the underground opening corresponds to the

depression degree. An aboveground opening, the elevation degree, is defined as an extent of the sky to be seen within a range of a distance L from a focused sample point. An underground opening, the depression degree, is defined as an extent under the ground within a range of a distance L, when taking a survey in the soil in a handstand position. [0115].

As described in paragraph [0093] of the specification, the visualization processing system comprises a sixth operator for determining an inclination  $G_m$  distribution of the plane  $s$  connecting the sequence of coordinate points, and the fifth operator is adapted to provide on the two-dimensional plane a color-toned indication of the inclination distribution, in a red spectral color R, and for a brightness thereof, give the tone indication.

None of the sections or corresponding figures of Shinohara, cited by the Examiner disclose a visualization processing system that includes a set of computer programs which comprise a second subset for determining an “elevation degree as an aboveground opening,” a third subset for determining a “depression degree as an underground opening,” and a sixth subset for determining an inclination distribution and providing a tone indication for a brightness of a color-toned indication of the inclination distribution, as required by amended Claim 1. Shinohara describes the defining of a color image as a vector field and discloses an edge extraction method and the clustering of color vectors. Shinohara does not disclose or even suggest the above described claimed features of the visualization processing system of Claim 1. Accordingly, Claim 1 is patentable over Shinohara.

Claims 7, 8 and 9 contain similar elements as Claim 1 and have been similarly amended. Accordingly, for at least the same reasons discussed above, Claims 7, 8 and 9 are patentable over Shinohara.

As noted above, Claim 4 has been cancelled. Accordingly, the rejection of Claim 4 under 35 U.S.C. 102(b) is now moot.

#### **REJECTION OF CLAIMS 2, 3, 5 AND 6 UNDER 35 U.S.C. 103(a)**

The Examiner rejected Claims 2, 3, 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Shinohara as applied to Claims 1 and 4, and further in view of “Solid Texturing o Riyo Shita 3-Jigen Nin’l Gamenjo ni Okeru Sensekibun Tatamikomihō,” by

Kikukawa *et al.* (“Kikukawa”). For the reasons set forth below, Applicant respectfully traverses the rejection.

Claims 2, 3, 5 and 6 depend from Claim 1. As discussed above, Shinohara does not disclose each and every element of Claim 1. Kikukawa does not disclose the claimed elements of Claim 1 either. Accordingly, for at least the same reasons discussed above Claims 2, 3, 5 and 6 are patentable over Shinohara in view of Kikukawa.

#### **REJECTION OF CLAIMS 11 AND 12 UNDER 35 U.S.C. 103(a)**

The Examiner rejected Claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Shinohara in view of Kikukawa and further in view of U.S. Patent No. 4,357,660 to Hepp (“Hepp”).

As noted above, Claims 11 and 12 have been cancelled. Accordingly, the rejection of Claims 11 and 12 under 35 U.S.C. 103(a) is now moot.

#### **REJECTION OF CLAIM 10 UNDER 35 U.S.C. 103(a)**

The Examiner rejected Claim 10 under 35 U.S.C. 103(a) as being unpatentable over Shinohara in view of Kikukawa and Hepp and further in view of U.S. Patent No. 6,915,310 to Gutierrez “Gutierrez”).

As noted above, Claim 10 has been cancelled. Accordingly, the rejection of Claim 10 under 35 U.S.C. 103(a) is now moot.

#### **NEW CLAIMS 13-16**

New Claims 13-16 further define a visualization processing system. Claim 13 defines a visualization processing system that includes a set of computer programs which comprise a second subset for determining an elevation degree at a local region of a plane connecting the sequence of coordinate points in terms of a see-through solid angle at an observe side and a third subset for determining a depression degree at the local region of the plane in terms of a see-through solid angle at a reverse side. The subject matter of new Claims 13-16 is described throughout the specification, see for example paragraphs [0083]-[0084] and

[0090]-[0091]. No new matter has been added. Claims 13-16 are patentable over Shinohara, Kikukawa, Hepp and Gutierrez.

**CONCLUSION**

The foregoing is submitted as a complete response to the Office Action identified above. Applicants believe this application is now in condition for allowance and solicits a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,

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